



## April 2018 Supreme Court and Appellate Court Decisions

### Supreme Court

#### [A17-0481](#)      ***State of Minnesota, Respondent, vs. Mohamed Musa Jama, Appellant.***

##### ***Court of Appeals.***

I. Indecent exposure is a general-intent crime. II. A defendant is not entitled to a jury instruction on the common-law defense of involuntary intoxication where it is impossible to ascertain the source of his intoxication.

***Affirmed Cleary, Chief Judge***

#### [A17-0466](#)      ***State of Minnesota, Respondent, vs. Traci Rankin Bradley, Appellant.***

##### ***Court of Appeals***

A purse in a suspected shoplifter's possession at the time the suspect is detained by a merchant's employee remains immediately associated with the suspect's person, and the responding officer may search the purse along with the suspect incident to a lawful arrest when the officer knew or had reason to know the suspect possessed the purse at the time of detention.

***Affirmed Reyes, Judge***

#### [A15-2053](#)      ***State of Minnesota, Appellant, vs. Quentin Todd Chute, Respondent.***

##### ***Court of Appeals.***

The police officer's warrantless entry onto the curtilage of respondent's home and subsequent investigation of a camper trailer was objectively a nonconsensual search that violated respondent's Fourth Amendment rights, not a permissible "knock-and-talk" procedure.

***Affirmed. Justice Margaret H. Chutich.***

***Dissenting, Justice Anne K. McKeig and Chief Justice Lorie S. Gildea.***

#### [A16-0834](#)      ***State of Minnesota, Respondent, vs. W. C. Luther Washington, Appellant.***

##### ***Court of Appeals.***

1. Because violating the predatory-offender-registration statute, Minn. Stat. § 243.166 (2016), is a continuing offense, the date of that offense under Minnesota Sentencing Guidelines 2.B.l(c) is the entire date range during which the offender fails to register. Where 15 years had not elapsed between the start of the date range for appellant's continuing offense and the expiration of his sentence for a prior felony conviction, the district court did not err in including the prior felony in the calculation of appellant's criminal history score.

2. Because appellant waived his right to a jury trial on guilt, and the district court established the date of appellant's offense as part of that determination, *Blakely v. Washington*, 542 U.S. 296 (2004), does not require that a jury also decide the date of appellant's offense.

***Affirmed. Chief Justice Lorie S. Gildea.***

**A16-0229 State of Minnesota, Respondent, vs. Erik John Heinonen, Appellant.  
Court of Appeals.**

1. The officers' nonaccusatory request for written consent to take a DNA sample, and the officers' honest answer to arrestee's question about why a DNA sample was being sought, were not the functional equivalent of an interrogation because the conduct is not reasonably likely to elicit an incriminating testimonial communication.

2. The officers' nonaccusatory request for written consent to take a DNA sample was not an interrogation because consenting to a search is not an incriminating testimonial communication that triggers the Fifth Amendment privilege against self-incrimination.

3. The officers' nonaccusatory request for written consent to take a DNA sample was not an interrogation because providing a DNA sample for identification purposes is not an incriminating testimonial communication that triggers the Fifth Amendment privilege against self-incrimination.

**Affirmed. Judge Margaret H. Chutich.**

## **Court of Appeals**

**A17-0344 State of Minnesota, Respondent, vs. Russell Vincent Winbush, Appellant.  
Pine County District Court, Hon. Judge P. Hunter Anderson.**

When a defendant has been charged with the possession of chemical reagents or precursors with the intent to manufacture methamphetamine, it is plain error to fail to instruct the jury as to which items in the defendant's possession are chemical reagents or precursors under Minn. Stat. § 152.0262, subd. 1(b) (2016)

**Affirmed in part, reversed in part, and remanded. Judge Francis J. Connolly.**

**A17-0976 Rico Patrick Howard, Petitioner, Appellant, vs. State of Minnesota, Respondent.  
Hennepin County District Court, Hon. Daniel H. Mabley.**

When an offender challenges restitution under Minn. Stat. § 611A.045, subd. 3(b) (2014), a district court must schedule a restitution hearing.

**Reversed, vacated and remanded. Judge Heidi S. Schellhas.**

**A16-1995 State of Minnesota, Respondent, vs. Erick Carl Longo, Appellant.  
Pennington County District Court, Hon. Eric P. Schieferdecker.**

A sentencing court cannot use the *Hernandez* method when sentencing a defendant under Minn. Stat. § 609.910 (2014) for both racketeering and controlled-substance crimes committed as part of a single behavioral incident.

**Affirmed in part, reversed in part, and remanded. Judge Heidi S. Schellhas.**

**A16-0229 State of Minnesota, Respondent, vs. Erik John Heinonen, Appellant.  
Court of Appeals.**

1. The officers' nonaccusatory request for written consent to take a DNA sample, and the officers' honest answer to arrestee's question about why a DNA sample was being sought, were not the functional equivalent of an interrogation because the conduct is not reasonably likely to elicit an incriminating testimonial communication.

2. The officers' nonaccusatory request for written consent to take a DNA sample was not an interrogation because consenting to a search is not an incriminating testimonial communication that triggers the Fifth Amendment privilege against self-incrimination.

3. The officers' nonaccusatory request for written consent to take a DNA sample was not an interrogation

because providing a DNA sample for identification purposes is not an incriminating testimonial communication that triggers the Fifth Amendment privilege against self-incrimination.

**Affirmed. Judge Margaret H. Chutich.**